

### § 1218.43

with new terms of office beginning on January 1.

[65 FR 43963, July 17, 2000, as amended at 66 FR 37119, July 17, 2001]

### § 1218.43 Vacancies.

(a) In the event that any member of the USACBC ceases to be a member of the category of members from which the member was appointed to the USACBC, such position shall automatically become vacant.

(b) If a member of the USACBC consistently refuses to perform the duties of a member of the USACBC, or if a member of the USACBC engages in acts of dishonesty or willful misconduct, the USACBC may recommend to the Secretary that the member be removed from office. If the Secretary finds the recommendation of the USACBC shows adequate cause, the Secretary shall remove such member from office.

(c) Should any member position become vacant, the alternate of that member shall automatically assume the position of said member. Should the positions of both a member and such member's alternate become vacant, successors for the unexpired terms of such member and alternate shall be appointed in the manner specified in § 1218.40 and § 1218.41, except that said nomination and replacement shall not be required if said unexpired terms are less than six months.

[65 FR 43963, July 17, 2000, as amended at 66 FR 37119, July 17, 2001]

### § 1218.44 Alternate members.

An alternate member of the USACBC, during the absence of the member for whom the person is the alternate, shall act in the place and stead of such member and perform such duties as assigned. In the event of death, removal, resignation, or disqualification of any member, the alternate for that member shall automatically assume the position of said member. In the event that both a producer member of the USACBC and the alternate are unable to attend a meeting, the USACBC may not designate any other alternate to serve in such mem-

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ber's or alternate's place and stead for such a meeting.

[65 FR 43963, July 17, 2000, as amended at 66 FR 37119, July 17, 2001]

### § 1218.45 Procedure.

(a) At a USACBC meeting, it will be considered a quorum when a minimum of seven members, or their alternates serving in the absence, are present.

(b) At the start of each fiscal period, the USACBC will select a chairperson and vice chairperson who will conduct meetings throughout that period.

(c) All USACBC members and alternates will receive a minimum of 10 days advance notice of all USACBC and committee meetings.

(d) Each member of the USACBC will be entitled to one vote on any matter put to the USACBC, and the motion will carry if supported by one vote more than 50 percent of the total votes represented by the USACBC members present.

(e) It will be considered a quorum at a committee meeting when at least one more than half of those assigned to the committee are present. Alternates may also be assigned to committees as necessary. Committees may also consist of individuals other than USACBC members and such individuals may vote in committee meetings. These committee members shall serve without compensation but shall be reimbursed for reasonable travel expenses, as approved by the USACBC.

(f) In lieu of voting at a properly convened meeting and, when in the opinion of the chairperson of the USACBC such action is considered necessary, the USACBC may take action if supported by one vote more than 50 percent of the members by mail, telephone, electronic mail, facsimile, or any other means of communication, and all telephone votes shall be confirmed promptly in writing. In that event, all members must be notified and provided the opportunity to vote. Any action so taken shall have the same force and effect as though such action had been taken at a properly convened meeting of the USACBC. All votes shall be recorded in USACBC minutes.

(g) There shall be no voting by proxy.

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(h) The chairperson shall be a voting member.

(i) The organization of the USACBC and the procedures for the conducting of meetings of the USACBC shall be in accordance with its bylaws, which shall be established by the USACBC and approved by the Secretary.

[65 FR 43963, July 17, 2000, as amended at 66 FR 37119, July 17, 2001]

### § 1218.46 Compensation and reimbursement.

The members of the USACBC, and alternates when acting as members, shall serve without compensation but shall be reimbursed for reasonable travel expenses, as approved by the USACBC, incurred by them in the performance of their duties as USACBC members.

[65 FR 43963, July 17, 2000, as amended at 66 FR 37119, July 17, 2001]

### § 1218.47 Powers and duties.

The USACBC shall have the following powers and duties:

(a) To administer the Order in accordance with its terms and conditions and to collect assessments;

(b) To develop and recommend to the Secretary for approval such bylaws as may be necessary for the functioning of the USACBC, and such rules as may be necessary to administer the Order, including activities authorized to be carried out under the Order;

(c) To meet, organize, and select from among the members of the USACBC a chairperson, other officers, committees, and subcommittees, as the USACBC determines to be appropriate;

(d) To employ persons, other than the members, as the USACBC considers necessary to assist the USACBC in carrying out its duties and to determine the compensation and specify the duties of such persons;

(e) To develop programs and projects, and enter into contracts or agreements, which must be approved by the Secretary before becoming effective, for the development and carrying out of programs or projects of research, information, or promotion, and the payment of costs thereof with funds collected pursuant to this subpart. Each contract or agreement shall provide that any person who enters into a con-

tract or agreement with the USACBC shall develop and submit to the USACBC a proposed activity; keep accurate records of all of its transactions relating to the contract or agreement; account for funds received and expended in connection with the contract or agreement; make periodic reports to the USACBC of activities conducted under the contract or agreement; and make such other reports available as the USACBC or the Secretary considers relevant. Any contract or agreement shall provide that:

(1) The contractor or agreeing party shall develop and submit to the USACBC a program, plan, or project together with a budget or budgets that shall show the estimated cost to be incurred for such program, plan, or project;

(2) The contractor or agreeing party shall keep accurate records of all its transactions and make periodic reports to the USACBC of activities conducted, submit accounting for funds received and expended, and make such other reports as the Secretary or the USACBC may require;

(3) The Secretary may audit the records of the contracting or agreeing party periodically; and

(4) Any subcontractor who enters into a contract with a USACBC contractor and who receives or otherwise uses funds allocated by the USACBC shall be subject to the same provisions as the contractor.

(f) To prepare and submit for approval of the Secretary fiscal year budgets in accordance with § 1218.50;

(g) To maintain such records and books and prepare and submit such reports and records from time to time to the Secretary as the Secretary may prescribe; to make appropriate accounting with respect to the receipt and disbursement of all funds entrusted to it; and to keep records that accurately reflect the actions and transactions of the USACBC;

(h) To cause its books to be audited by a competent auditor at the end of each fiscal year and at such other times as the Secretary may request, and to submit a report of the audit directly to the Secretary;

(i) To give the Secretary the same notice of meetings of the USACBC as is